

**BEFORE THE IOWA BOARD OF MEDICINE**

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**IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST**

**GARY W. HUNNINGHAKE, M.D., RESPONDENT**

**File No. 02-10-196**

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**STATEMENT OF CHARGES and SETTLEMENT AGREEMENT  
(Combined)**

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**COMES NOW** the Iowa Board of Medicine (Board), and Gary W. Hunninghake, M.D., (Respondent), on October 13, 2011, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), enter into this combined Statement of Charges and Settlement Agreement.

**STATEMENT OF CHARGES**

1. Respondent was issued Iowa medical license No. 22745 on October 5, 1981.
2. Respondent's Iowa license is active and will next expire on July 1, 2012.
3. The Board has jurisdiction pursuant to Iowa Code chapters 147, 148 and 272C.

**COUNT I**

4. Respondent is charged pursuant to Iowa Code section 147.55(3) and 653 IAC sections 23.1(4) and (5) with engaging sexual misconduct and violating appropriate professional boundaries.

## **COUNT II**

5. Respondent is charged pursuant to Iowa Code sections 147.55(3) and 272C.10(3) and 653 IAC sections 23.1(4) with engaging in unethical or unprofessional conduct. Engaging in unethical or unprofessional conduct includes, but is not limited to, the committing by a licensee of an act contrary to honesty, justice or good morals, whether the same is committed in the course of the licensee's practice or otherwise and whether committed within this state or elsewhere.

### **STATEMENT OF MATTERS ASSERTED**

6. Respondent is an Iowa-licensed physician who formerly practiced pulmonary medicine at the University of Iowa Hospitals and Clinics in Iowa City, Iowa. The allegations below occurred primarily between 2006-2008.

7. Respondent inappropriately viewed pictures of nude children and other inappropriate sexual material on the Internet in the workplace.

8. Respondent engaged in a sexual relationship with a subordinate female staff member.

9. Respondent inappropriately accessed the medical records of this female staff member without her knowledge or permission and without an appropriate medical purpose.

10. Respondent in 1992 violated appropriate professional boundaries with another subordinate female staff member.

11. Respondent inappropriately prescribed medications to himself, including anabolic steroids, which are controlled substances.

12. On April 24, 2010, Respondent filed a report with the Chicago Police claiming that he was stabbed while jogging on the River Walk in Chicago, Illinois. It was subsequently determined that Respondent caused the injuries to himself and filed a false police report. On May 11, 2010, Respondent was charged with felony disorderly conduct in the Circuit Court of Cook County, Chicago, Illinois, for filing a false police report. Respondent pleaded guilty to an amended misdemeanor charge of disorderly conduct in the Circuit Court of Cook County, Chicago, Illinois. On January 24, 2011, Respondent was sentenced to a fourteen month term of probation under a conditional discharge. Respondent was ordered to complete 40 hours of community service. Respondent has successfully completed all terms of judicial supervision.

13. On April 8, 2011, the Board ordered Respondent to complete a comprehensive sexual misconduct and professional boundaries evaluation pursuant to Iowa Code section 272C.9(1) and 653 IAC 24.4. Respondent completed the comprehensive sexual misconduct and professional boundaries evaluation at a Board-approved program on May 23-25, 2011.

14. On April 8, 2011, the Board ordered Respondent to complete a comprehensive physical, neuropsychological, mental health and substance abuse evaluation pursuant to Iowa Code section 272C.9(1) and 653 IAC 24.4. Respondent completed the comprehensive physical, neuropsychological, mental health and substance abuse evaluation on June 6-8, 2011.

## **SETTLEMENT AGREEMENT**

15. **CITATION AND WARNING:** Respondent is hereby **CITED** for engaging in sexual misconduct and unprofessional conduct in violation of the laws and rules governing the practice of medicine in Iowa. Respondent is hereby **WARNED** that engaging in such conduct is unacceptable.

16. **CIVIL PENALTY:** Respondent shall pay a **\$10,000 civil penalty** prior to the Board's approval of this order. The civil penalty shall be made payable to the Treasurer of Iowa, and mailed to the executive director of the Board. The civil penalty shall be deposited into the State General Fund.

17. **VOLUNTARY SURRENDER:** Respondent voluntarily surrenders his Iowa medical license to resolve this matter.

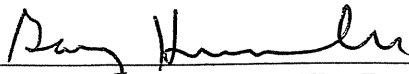
18. Respondent voluntarily submits this Order to the Board for consideration.

19. This Order constitutes the resolution of a contested case proceeding.

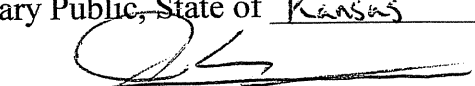
20. Respondent understands that by entering into this Order, Respondent cannot obtain a copy of the investigative file. Pursuant to Iowa Code section 272C.6(4), a copy of the investigative file may only be provided to a licensee after a Statement of Charges is filed but before the final resolution of those charges.

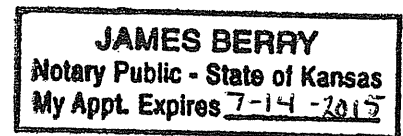
21. This Order is subject to approval by the Board. If the Board fails to approve this Order, it shall be of no force or effect to either party.

23. The Board's approval of this Order shall constitute a **Final Order** of the Board.


  
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Gary W. Humminghake, M.D., Respondent

Subscribed and sworn to before me on 10-12, 2011.

Notary Public, State of Kansas  
  
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Notary Public



This Order is approved by the Board on October 13, 2011.

  
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Jeffrey T. Snyder, M.D., Vice Chair  
Iowa Board of Medicine  
400 SW 8<sup>th</sup> Street, Suite C  
Des Moines, Iowa 50309-4686